

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JAMES ROBERT WEST, JR.,  
#110315

Plaintiff,

v.

BRYAN K. GAVINS, COI,

Defendant.

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2:07-CV-747-WKW

**ORDER ON MOTION**

On October 26, 2007 Plaintiff filed a pleading wherein he requests that he not be required to pay the civil filing fee imposed by order entered on August 27, 2007. The court construes Plaintiff's request as a Motion for Reconsideration of the court's August 27 order which directs payment of the civil filing fee from monies available in Plaintiff's prison account until the \$350.00 filing fee is paid in full.

Plaintiff's motion for reconsideration of the court's order directing payment of the filing fee shall be denied. This court must, under the provisions of 28 U.S.C. § 1915(b)(1), "assess and, when funds exist, collect" the \$350.00 filing fee from monies available to Plaintiff, when the amount in Plaintiff's account exceeds \$10.00. The court may not waive or temporarily exempt Plaintiff from compliance with the statutory provisions regarding payment of filing fees. Dismissal of the case for *any* reason still obligates Plaintiff to pay the filing fee. (*See Doc. No. 3 at 3.*)

Accordingly, it is

ORDERED that Plaintiff's October 26, 2007 pleading, construed as a Motion for Reconsideration (*Doc. No. 8*) be and is hereby DENIED.

Done, this 29th day of October 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE